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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

10030339-1 (50112-1500)

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on Sept. 7, 2005Signature Mary N. KilgoreTyped or printed name Mary N. Kilgore

Application Number

10/606,897

Filed

06-26-2003

First Named Inventor

Fender et al.

Art Unit

2863

Examiner

Bhat, Aditya S.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record.

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attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

8/29/05

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

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*Total of _____ forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

App. No.:	10/606,897	Art Unit:	2863
Applicants:	Fender et al.	Examiner:	Bhat, Aditya S.
Filed:	June 26, 2003		
Title:	SYSTEM AND METHODS FOR PERFORMING MULTI-SOURCE MEASUREMENTS	Confirmation No.:	6585
		Docket No.:	10030339-1

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REQUEST FOR REVIEW BEFORE APPEAL

Sir:

We request that the present application be reviewed in accordance with the Pre-Appeal Brief Conference Pilot Program. This request is being timely filed with a Notice of Appeal. Please consider the remarks presented below.

REMARKS

In the Request for Reconsideration filed by the Applicants on July 6, 2005, Applicants argue that the present application is directed to measuring parameters between two different waveforms. See the second full paragraph on p. 6. This differs from the prior art, which merely measures parameters on individual waveforms.

With respect to independent claims 21, 28, and 36, Taraki et al. fails to disclose a relationship between the first waveform and the second waveform. See the fourth full paragraph on p. 6 (claim 21), the fourth full paragraph on p. 7 (claim 28), and the paragraph bridging pages 8 and 9 (claim 36).


In the Advisory Action mailed August 11, 2005, the Examiner stated in the second full paragraph on the continuation sheet that "[t]he term 'relationship' is being interpreted as having some sort of connection" and "the condition of having a relationship is satisfied since the Taraki reference performs the sweep on both waveforms." It is clear that "perform[ing] the sweep on both waveforms" does not

read on the claims of the present application regarding a parameter defining a relationship between the first waveform and the second waveform. Although the waveforms may be considered to be related in that they are both displayed simultaneously, it is clear that Taraki does not disclose a parameter defining some relationship between the two waveforms, as claimed.

CONCLUSION

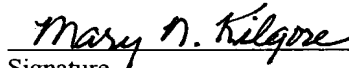
Applicant respectfully submits that all objections and/or rejections have been traversed and that the pending claims 21-39 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned at (770) 933-9500.

Respectfully submitted,


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